

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CHARLES S. MAYBERRY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:05-CV-1439-MLM
	)	
JOSEPH J. NITKA, et al.,	)	
	)	
Defendants.	)	

**ORDER AND MEMORANDUM**

This matter is before the Court upon the application of Charles S. Mayberry for leave to commence this action without payment of the required filing fee. See 28 U.S.C. § 1915(a). Plaintiff has submitted a partially completed financial affidavit CJA Form 23 [Doc. #2] in support of his application for in forma pauperis status. See Local Rule 2.05(A). Plaintiff states that he is employed; however, he has failed to state his monthly earnings. In addition, plaintiff has failed to set forth his total and monthly debts. As such, the Court is unable to determine, at this time, whether plaintiff is financially unable to pay the filing fee. See 28 U.S.C. § 1915(a), Local Rule 2.05(A).

Accordingly,

**IT IS HEREBY ORDERED** that, in addition to a copy of this Order, the Clerk of Court shall provide plaintiff with CJA Form 23 (financial affidavit).

**IT IS FURTHER ORDERED** that plaintiff shall have twenty

(20) days from the date of this Order to pay the statutory filing fee of \$250.00, or to submit a fully completed CJA Form 23 (financial affidavit).

**IT IS FURTHER ORDERED** that the Court will dismiss this case, without prejudice, if, within twenty (20) days, plaintiff fails to pay the filing fee or to submit a fully completed CJA Form 23.

**IT IS FURTHER ORDERED** that if plaintiff complies with this Order, the Clerk of Court shall cause this case to be resubmitted to the undersigned for review under 28 U.S.C. § 1915(a), (d).

/s/Mary Ann L. Medler  
MARY ANN L. MEDLER  
UNITED STATES MAGISTRATE JUDGE

Dated this 1st day of December, 2005.